

ENTERED

May 22, 2025

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JEFFREY LEE COLLINS,

Plaintiff,

v.

FLORIDA DEPARTMENT OF
REVENUE, *et al.*,

Defendant.

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CIVIL ACTION NO. H-25-1163

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

This court has reviewed the Memorandum and Recommendation of United States Magistrate Judge Richard W. Bennett on *pro se* Plaintiff Jeffrey Lee Collins's emergency motion for a temporary restraining order and an expedited hearing, (Docket Entry No. 10), as well as Collins's briefing, (Docket Entry No. 2). Collins objects to the Memorandum and Recommendation, and the court has reviewed the objections. (Docket Entry No. 12). The court has made a de novo determination. *See* FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam).

In the Memorandum and Recommendation, the Magistrate Judge concluded that Collins had not satisfied both requirements for the issuance of an *ex parte* TRO under Federal Rule of Civil Procedure 65(b)(1). (Docket Entry No. 10 at 2). This is because Collins failed to certify in writing any efforts that he made to give notice to the defendants or explain why notice should not be required. (*Id.*). The Magistrate Judge held that the court would consider Collins's request for a preliminary injunction preventing the Florida Department of Revenue from taking any further

collection actions until this case is fully resolved once the defendants have been served and given an opportunity to respond. (*Id.* at 2-3).

Collins's objections do not raise any new arguments, but merely relitigate issues that the Magistrate Judge already considered in the Memorandum and Recommendation. Collins fails to address the Magistrate Judge's conclusions that Collins failed to certify in writing any efforts that he made to give notice to the defendants or explain why notice should not be required. Nor does Collins provide any indication that he has since undertaken any efforts to serve the defendants. Instead, Collins objects to the Memorandum and Recommendation on the basis that "[a]s a pro se litigant, Plaintiff submitted verified facts supported by evidence of repeated, unlawful bank levies which disrupted access to federally protected benefits." (Docket Entry No. 12). This objection does not have merit. The Magistrate Judge accurately identified the facts and correctly applied the law.

Based on this court's de novo review of the pleadings, the objections, the record, and the applicable law, the court adopts the Memorandum and Recommendation as this court's Memorandum and Order. The plaintiff's motion for a temporary restraining order and an expedited hearing, (Docket Entry No. 2), is denied.

SIGNED on May 22, 2025, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal". The signature is fluid and cursive, with a large, stylized "L" and "R".

Lee H. Rosenthal
Senior United States District Judge